

SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD
October 26-30, 1998

Date Issued	Type of Case(1)	Proceeding or Appn. No.	Party or Parties	TTAB Panel(2)	Issue	TTAB Decision	Opposer's or Petitioner's Mark and Goods or Services	Applicant's or Respondent's Mark and Goods or Services	Mark and Goods Cited by Examining Attorney	Examining Attorney	Citable as Precedent of TTAB
10-30	OPP	98,191	Fossil, Inc. v. The Fossil Group	Seeherman Hanak* Quinn	2(d)	Opposition Sustained as to goods in Class 14; Opposition Dismissed as to goods in Classes 19 and 20	"FOSSIL" [t-shirts, shirts, pants, skirts, jackets and coats; watches; belts; key fobs; handbags; coin purses; tote bags; purses; billfolds; wallets; calendars; datebooks; notepads; posters; diaries; paper gift bags; three-ring binders; stationery; envelopes; pens]	"FOSSILSCAPES THE FOSSIL GROUP STONESCAPES" (and design) [fossil backed clocks (in Class 14); ornamental fossils (in Class 19); marble table tops (in Class 20)]			Yes
10-30	EX	75/001,460	Shiva Corp.	Seeherman Hanak* Hohein	2(e)(1)	Refusal Affirmed		"TARIFF MANAGEMENT" [computer hardware and computer programs to control, reduce and render more efficient wide area network (WAN) usage and printed manuals sold therewith]		Cataldo	Yes
10-30	EX	75/024,024	Wright Medical Technology, Inc.	Hohein Chapman Bucher*	2(d)	Refusal Reversed		"EXTEND" [medical apparatus, namely, orthopedic hip implants]	"X-TEND" [carpal tunnel supports, elbow supports, thumb/wrist supports, back braces, all for medical or therapeutic use]	Snapp	No

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(2) *=Opinion Writer; (D)=Dissenting Panel Member

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10-30	EX (R)	74/375,406	L'Nard Restorative Concepts, Inc.	Simms* Cissel Seeherman	whether the configuration sought to be registered is de jure functional and, if not, whether it has acquired secondary meaning and is, therefore, registrable under Sec. 2(f)	Request for Reconsideration Denied [Refusal Affirmed (on both grounds)]		configuration of foot brace [foot orthosis device]		Micheli	No
10-30	OPP	97,388	Molson Breweries v. D. G. Yuengling & Son, Inc.	Quinn Hairston Wendel*	2(e)(1) [deceptively misdescriptive]; 2(a) [deceptive]	Opposition Dismissed		"AMERICA'S OLDEST BREWERY" [posters, postcards, and playing cards; steins, mugs, coasters, cups, insulated coolers, plastic cups, plastic pitchers, plastic drink bottles, and beverage glassware; hats, caps, t-shirts, sweatshirts, sweatpants, shorts, sweaters, golf shirts, shirts, and jackets; toy trucks and toy vehicles; Christmas tree ornaments; beer]			No

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10-30	EX	74/083,403	Marsu N. V.	Hanak Hohein* Chapman	whether the mark sought to be registered is a substantially exact representation of the mark actually used by applicant	Refusal Affirmed		design mark consisting of an animal-like cartoon character [paper bags, greeting cards, decals, gift wrapping paper, paper napkins, pencils, posters, stationery and paper tablecloths; cups, paper and decorative plates and mugs; shirts and footwear; dolls, toys, jig saw puzzles, stuffed toys, games featuring fictional cartoon characters and video-game machines]		Beck	No

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